

**In the
Indiana Supreme Court**

EDWARD and RITA MOSER)	Supreme Court No. 20S00-0509-SJ-408
)	
vs.)	
)	Case No. 20D06-0404-PL-222
ROBERT and DONNA MOSER)	in the Elkhart Superior Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Elkhart Superior Court, and pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Elkhart Superior Court and Magistrate David A. Denton. The Chronological Case Summary reveals that the court ordered mediation in this matter on September 13, 2004. The CCS does not reveal that a report on the mediation has been submitted to the court. As such, pursuant to Ind.Trial Rule 53.1(B), until the report is submitted the time limitation of Ind.Trial Rule 53.1(A) does not apply. Therefore, a violation of the rule has not been established.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Elkhart Superior Court and Magistrate David A. Denton.

The Clerk of this Court is directed to forward notice of this Order to the Hon. David Bonfiglio, Elkhart Superior Court, 315 South Second Street, Elkhart, IN 46516; to the Hon. David A. Denton, Elkhart Superior Court, 315 South Second Street, Elkhart, IN 46516, and to the Clerk of the Elkhart Superior Court.

The Clerk of the Elkhart Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of September, 2005.

Randall T. Shepard
Chief Justice of Indiana

